

REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed August 14, 2002. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Entry of this amendment and reconsideration to that end is respectfully requested. The Examiner has objected to Fig. 6 of the drawings. A modified drawing is herewith presented for her examination, along with a marked up version. A full set of new formal drawings have been previously provided for inspection by the Chief Draftsperson.

Claims 1-4, 11-14, and 16-20 were rejected under 35 USC 112, second paragraph, as being indefinite. The above amendments to claims 1, 11, and 16 are deemed completely responsive to this rejection.

The Examiner has made a provisional double patenting rejection of claims 1, 6, 11, and 16 under the judicially-created doctrine of obviousness-type double patenting. However, because none of the subject claims have been allowed, the Examiner has correctly noted that this rejection is provisional and can be treated at a later date. The undersigned is amenable to

submitting a terminal disclaimer upon allowance of all pending claims.

The Examiner has rejected claims 1-4, 6-14, and 16-20 under 35 USC 103(a) as being obvious in view of U.S. Patent No. 4,956,769, issued to Smith (hereinafter referred to as "Smith"). This ground of rejection is respectfully traversed for the following reasons.

The present invention as disclosed and claimed in amended claims 1-20 involves a security profiling system wherein a user-id is correlated with certain data which may be accessed by that user without regard to the function to be performed on that data. This is typical in a multi-user environment wherein a first user is given complete access to a first data table and no access to any other data. Similarly, a second user is given complete access to a second table and no access to the first table. Data access is granted on the basis of the association of a user-id with the data table(s) for which access is to be granted.

The system of Smith involves security profiling which provides access to a data element based upon the function requested. If the system requests performance of Function A at Data Element X, access is granted if the requestor is authorized to perform Function A and Data Element X is qualified for performance of Function A. Thus, any requestor authorized to perform Function A will be granted access to any data element

qualified for Function A. This is particularly useful in regulating the very limited functions associated with Input/Output (see column 1, lines 58-59). The net result is a security system which restricts access based upon function rather than based upon requested data element.

As cited by the Examiner, column 2, lines 3-26, show the basic operation of Smith. A first security table correlates data elements with operations which may be performed on each data element. A second security table correlates user-id with operations permitted by the corresponding user. A third security table correlates user terminal location with permitted operation. Thus, any user permitted to perform a given input/output operation is permitted to do so from any data element qualified for that input/output operation. There is no way to permit a first requestor to access a first qualified data element using a first function and prohibit access to a second qualified data element. Similarly, if a second requestor has access via the first function to the second qualified data element, it cannot be prohibited from accessing the first qualified data element using the first function.

Unlike Applicants' invention, Smith simply cannot provide a multi-user environment in which users are each given access to separate data tables and prohibited access to other data tables.

Apparently, the Examiner has realized this distinction, at least in part. She states at page 8:

Although Smith teaches the invention as cited above, they do not explicitly teach that the security profile corresponds to access to said first data table without regard to a select4d database management function.

However, she goes on to state:

Smith does teach access rules in which the I/O operations may be defined [note abstract; figure 1 col. 1 line 58 through col. 2 line 17; col. 4 lines 49-66]. It would have been obvious to one of ordinary skill at the time of the invention to have customized the access since Smith teaches profile acces (sic) rules may be defined and that a given user can have a specific access rule [see col. 4 lines 15-24].

This finding is both clearly erroneous as a matter of fact and incorrect as a matter of law. It is clearly erroneous factually because no particular customized access rule for any user could make Smith's security profiling scheme operate in accordance with Applicants' invention. Creating a customized access rule for any user could only effect that access of that user. To operate like Applicants' security profiling scheme, all of Smith's user would need customized access rules. In addition, each of those customized access rules would need to operate in opposition to the teaching of Smith, by regulating access to data tables rather than functions. In other words, the security profiling scheme taught by Smith would need to be superceded by a large number of customized access rules for each of the users. This finding is clearly erroneous in view of the teachings of Smith.

The Examiner's findings are also incorrect as a matter of law. Whereas she postulates a customized user access rule, the only pattern for the operation of that rule is found within Applicants' disclosure, not within Smith's disclosure. This is a text book example of impermissible hindsight reconstruction.

Furthermore, this finding cannot possibly be inherent in the disclosure of Smith. MPEP 2112 reads in part:

EXAMINER MUST PROVIDE RATIONALE OR EVIDENCE TENDING TO SHOW INHERENCY

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); In re Oelrich, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981).

>"To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.

Certainly, any finding by the Examiner that Applicants' invention is inherent in Smith is incorrect as a matter of law.

The preceding discussion applies to independent claims 1, 6, 11, and 16. The additional limitations of the dependent claims have been discussed at length in prior submissions by Applicants. Claims 5 and 15 remain allowed.


Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

Respectfully submitted,

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By their attorney,

Date November 13, 2002


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